

REMARKS

In the Official Action of January 24, 2006, the Examiner required an election under 35 U.S.C. § 121 among two allegedly distinct inventions, namely:

Invention I, referring to claims 1-40, drawn to watermark detection; and

Invention II, referring to claims 41-63, drawn to watermark creation.

The Examiner has contended that Inventions I and II are related as combination and subcombination, and that the combination as claimed does not require the particulars of the subcombination as claimed because any watermark detection method could be used. In particular, the Examiner has contended that the subcombination has separate utility such as associating digital watermarks to content.

In response to the restriction requirement, applicant hereby provisionally elects Invention I, claims 1-40, for further prosecution in this application. Accordingly, claims 41-63 stand withdrawn from consideration in the present application without prejudice to applicant's right to file one or more divisional applications directed thereto.

Applicant disagrees with the Examiner's contentions and therefore traverses the restriction requirement. In that regard, applicant notes that all of the claims in the application (with the exception of claims 48, 58 and 63) rely on the survival rate of the digital watermark information as a feature of the invention. Accordingly, the claims are directed to similar subject matter which would be found in the same subclass. Thus, an election of one of these two allegedly distinct inventions would not foster the goals of expediency behind restriction requirements.

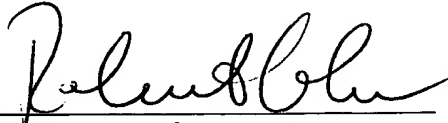
Application No.: 09/869,258

Docket No.: SONYTA 3.3-131

If there are any additional charges in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 23, 2006

Respectfully submitted,

By 

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